

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

Jessica Reyes and Gissela Lopez, On
Behalf of Themselves and Similarly
Situated Employees,

Plaintiffs,

V.

Bona 1372, Inc., Bona 1900, Inc.
and Hnreck Nazarian a/k/a
Nazarian Enterprises d/b/a IHOP
("International House of Pancakes"),

Defendants.

Civil Action No.: 1:17-cv-00016

**DEFENDANTS' OBJECTION TO MAGISTRATE REPORT AND
RECOMMENDATION GRANTING IN PART PLAINTIFFS' MOTION TO
CONDITIONALLY CERTIFY AN FLSA COLLECTIVE ACTION AND SEND NOTICE**

Defendants Bona 1372, Inc., Bona 1900, Inc., and Hnreck Nazarian Individually (incorrectly named as Hnreck Nazarian a/k/a Nazarian Enterprises d/b/a IHOP (“International House of Pancakes”) (collectively “Defendants”) file this Objection to Magistrate Report and Recommendation Granting in Part Plaintiffs’ Motion to Conditionally Certify an FLSA Collective Action and Send Notice.

OBJECTIONS

In an abundance of caution, Defendants object to the Magistrate’s conclusion that, “there is no longer any apparent dispute about the limitations period.” Report and Recommendation at III. C. 2. Although Defendants deny any violation of the FLSA, if it is ultimately determined that a violation occurred, Defendants assert it was not willful and therefore, the appropriate

limitations period is two years. There is no dispute, however, that under the law the appropriate limitations period for a willful violation is three years.

Respectfully Submitted,

HUGHES ROCH LLP

BY: /S/ CAROLYN D. ROCH

Carolyn D. Roch
Attorney-In-Charge
Texas Bar No. 00791152
Fed I.D. #64109
Hughes Roch LLP
1200 Smith Street, Suite 1550
Houston, Texas 77002
cdroch@hughesroch.com
Telephone: (713) 588-0890
Facsimile: (713) 456-2205

**ATTORNEY IN CHARGE
FOR DEFENDANTS BONA 1372, INC.,
BONA 1900, INC. AND HENRECK
NAZARIAN INDIVIDUALLY**

OF COUNSEL:

Karen R. Morgan
State Bar No. 24010673
Hughes Roch LLP
1200 Smith Street, Suite 1550
Houston, Texas 77002
kmorgan@hughesroch.com
Telephone: (713) 588-0890
Facsimile: (713) 456-2205

CERTIFICATE OF SERVICE

I certify that on October 31, 2017, a copy of Defendants Bona 1372, Inc., Bona 1900, Inc. and Hnreck Nazarian Individually's Objection to Magistrate Report and Recommendation Granting in Part Plaintiffs' Motion to Conditionally Certify an FLSA Collective Action and Send Notice was electronically filed on the CM/ECF system, which will automatically service a Notice of Electronic Filing on the following attorney in charge for Plaintiffs Jessica Reyes, Gissela Lopez and Oscar Atonal, On Behalf of Themselves and Similarly Situated Employees:

T. Lynn Walden
David D. Reynard, Jr.
WaldenReynard, PLLC
P.O. Box 7486
Beaumont, Texas 77726
Tele: 409.833.0202
Fax: 409.832.3564
twalden@wrtexaslaw.com
dreynard@wrtexaslaw.com

/S/ CAROLYN D. ROCH
Carolyn D. Roch